

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(i) CRM No.M-41413 of 2017 (O&M)

Talwinderjeet Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

(ii) CRM No.M-47145 of 2017 (O&M)

Gurjant Singh

...Petitioner

VERSUS

State of Punjab

...Respondent

Date of Decision: August 23, 2018

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.H.S.Brar, Advocate
for the petitioner (in CRM No.M-41413 of 2017).

Mr.Govinder Singh Brar, Advocate
for the petitioner (in CRM No.M-47145 of 2017).

Mr.Pawan Sharda, Sr.DAG, Punjab
for the respondent-State.

Mr.Ashok Kumar Sama, Advocate
for the complainant.

INDERJIT SINGH, J.

Both the above-mentioned cases are taken up together as these
have arisen from same FIR.

Petitioners have filed these petitions under Section 438 Cr.P.C.

for grant of anticipatory bail in case FIR No.108 dated 11.10.2017 under Sections 406 and 120-B IPC, registered at Police Station Arniwala, District Fazilka.

Notice of motion was issued. Learned State counsel as well as learned counsel for the complainant appeared and contested the petitions.

I have heard learned counsel for the parties as well as learned State counsel and have gone through the record.

From the record, I find that Darbara Singh filed a complaint against Gurjant Singh and Talwinderjeet Singh on the basis of which FIR was registered. As per the allegations in the FIR, complainant had one son namely Pritpal Singh and he used to work for the brick kiln and used to get sand for them on tractor trolley etc. Pritpal Singh got into fight with Bhajan Lal and Chhinderpal during which, Pritpal Singh suffered injuries and later on, he died in the hospital regarding which FIR No.92 dated 12.05.2014 under Sections 304, 325, 506 and 34 IPC was registered against Bhajan Lal and Chhinderpal. A compromise was effected between the parties of that case and Gurjant Singh and Talwinderjeet Singh (present petitioners) were the arbitrators. The matter was compromised and money was handed over to present petitioners, which was to be given after the compliance of terms of the compromise. After the acquittal of the accused, when the amount was demanded from the present petitioners, they refused.

At the time of arguments, fact regarding receiving of the amount has been admitted but learned counsel for petitioner Talwinderjeet Singh stated that whole amount was taken by Gurjant Singh whereas learned counsel for the complainant placed on record a writing dated

petitioners have taken equal share out of ₹11 lakhs (i.e. ₹5.50 lakhs each) and they promised to return the same. During the proceedings, the matter was also sent to the Mediation and Conciliation Centre of this Court, where a compromise was effected between petitioner Gurjant Singh and complainant and Gurjant Singh agreed to pay an amount of ₹4 lakhs on or before 10.07.2018 but he has not complied with the compromise, whereas no compromise was effected with Talwinderjeet Singh.

Keeping in view the facts and circumstances of the present case, without discussing the facts in minute detail and without expressing any opinion on the merits of the case, I find that no ground is made out for grant of anticipatory bail to the petitioners.

Therefore, finding no merit in both the petitions, the same are dismissed.

The order dated 14.11.2017 passed in CRM No.M-41413 of 2017 and order dated 12.12.2017 passed in CRM No.M-47145 of 2017 granting interim bail to the petitioners stand vacated.

However, nothing stated above, shall constitute my opinion on merits of the case.

August 23, 2018
Vgulati

(INDERJIT SINGH)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
No